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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/467,851	12/20/1999	BRUCE A. LEAK	MS-137856.1	2863

22913 7590 03/29/2004

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EXAMINER	
TRAN, HAI V	

ART UNIT	PAPER NUMBER
2611	5

DATE MAILED: 03/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/467,851	LEAK ET AL.	
	Examiner	Art Unit	
	Hai Tran	2611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 1-22 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 1-22 is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 2.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970);and, *In re Thorington,* 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

1. Claims 1, 15 and 18 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1, 12, 23 and 32 of U.S. Patent No. 6,460,180. Although the conflicting claims are not identical, they are not patentably distinct from each other because

- Claim 1 corresponds to Patent claims 1, 12, 23 and 32 of U.S. Patent No. 6,460,180 with the additional limitation " receiving a connected-content trigger on a 1st receiver unit and a 2nd receiver unit, the connected content trigger having a 1st value indicating that 1st content associated with the connected content trigger is connected content, the 1st receiver unit including a trigger filter"; "rejecting the connected-content trigger with the trigger filter such that the 1st receiver unit ignores the connected-content trigger"; executing the connected-content trigger on the 2nd receiver unit"; "receiving a disconnected-content trigger on the 1st and 2nd receiver units, the disconnected-content trigger having a second value

indicating that 2nd content associated with the disconnected-content trigger is disconnected content"; "accepting the disconnected-content trigger on the 1st and 2nd receiver units." It would have been obvious to modify Patent's claims 1, 12, 23 and 32 to include the claimed limitations so the service company can prevent the broadcaster from broadcasting triggers to users' receiver unit for users to access services at the service company that the broadcasters do not pay for (Col. 6, lines 56-60).

Allowance of claim 1 would result in the unwarranted time-use extension of the monopoly granted for the invention as defined in Patent claims 1, 12, 23 and 32.

- Claim 15 corresponds to Patent claims 1, 12, 23 and 32 of U.S. Patent No. 6,460,180 with the additional limitation "configuration data stored in a local memory and means for distinguishing disconnected-content triggers from connected –content triggers, and for executing the disconnected-content triggers without executing the connected-content trigger" . It would have been obvious to modify Patent's claims 1, 12, 23 and 32 to include the claimed limitations so the service company can prevent the broadcaster from broadcasting triggers to users' receiver unit for users to access services at the service company that the broadcasters do not pay for (Col. 6, lines 56-60).

  Allowance of claim 15 would result in the unwarranted time-use extension of the monopoly granted for the invention as defined in Patent claims 1, 12, 23 and 32.

- Claim 18 corresponds to Patent claims 1, 12, 23 and 32 of U.S. Patent No. 6,460,180 with the additional limitation "a transmitter transmitting video, a connected-content trigger, and a disconnected-content trigger; a disconnected receiver unit that receives the connected-content triggers and the disconnected-content trigger and executes the disconnected-content trigger and executes the disconnected-content trigger and rejects the connected-content trigger, the disconnected receiver unit having a 1st unidirectional connection to the transmitter; and a connected receiver unit that receives and executes both the connected-content trigger and the disconnected-content trigger, the 2nd receiver unit having a bi-directional connection to a remote information store and a second unidirectional connection to the transmitter." It would have been obvious to modify Patent's claims 1, 12, 23 and 32 to include the claimed limitations so the service company can prevent the broadcaster from broadcasting triggers to users' receiver unit for users to access services at the service company that the broadcasters do not pay for (Col. 6, lines 56-60).

  Allowance of claim 18 would result in the unwarranted time-use extension of the monopoly granted for the invention as defined in Patent claims 1, 12, 23 and 32.

2. Claims 1, 15 and 18 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 2, 16 and

17 of U.S. Patent No. 6,668,378. Although the conflicting claims are not identical, they are not patentably distinct from each other because

- Claim 1 corresponds to Patent claims 1, 2, 16 and 17 of U.S. Patent No. 6,668,378 with the additional limitation "the first trigger having a first attribute value indicating that the first content associated with the first trigger is connected content", "using the first attribute value to determine that the first trigger is not to be executed on the receiver unit", "the second attribute value indicating that second content associated by the second trigger is disconnected content", "the receiver unit using the second attribute value to determine that the second trigger is to be executed on the receiver unit." It would have been obvious to modify Patent's claims 1, 2, 16 and 17 to include the claimed limitations so to differentiate between difference type of receiver units, namely, those capable of connecting to the Internet and those that are not (Abstract).

  Allowance of claim 1 would result in the unwarranted time-use extension of the monopoly granted for the invention as defined in Patent claims 1, 2, 16 and 17.

- Claim 15 corresponds to Patent claims 1, 2, 16 and 17 of U.S. Patent No. 6,668,378 with the additional limitation "configuration data stored in a local memory and means for distinguishing disconnected-content triggers from connected –content triggers, and for executing the disconnected-content triggers without executing the connected-content trigger" . It would have been obvious to

modify Patent's claims 1, 2, 16 and 17 to include the claimed limitations so to differentiate between difference type of receiver units, namely, those capable of connecting to the Internet and those that are not (Abstract).

Allowance of claim 15 would result in the unwarranted time-use extension of the monopoly granted for the invention as defined in Patent claims 1, 2, 16 and 17.

- Claim 18 corresponds to Patent claims 1, 2, 16 and 17 of U.S. Patent No. 6,668,378 with the additional limitation "a transmitter transmitting video, a connected-content trigger, and a disconnected-content trigger; a disconnected receiver unit that receives the connected-content triggers and the disconnected-content trigger and executes the disconnected-content trigger and executes the disconnected-content trigger and rejects the connected-content trigger, the disconnected receiver unit having a 1st unidirectional connection to the transmitter; and a connected receiver unit that receives and executes both the connected-content trigger and the disconnected-content trigger, the 2nd receiver unit having a bi-directional connection to a remote information store and a second unidirectional connection to the transmitter." It would have been obvious to modify Patent's claims 1, 2, 16 and 17 to include the claimed limitations so to differentiate between difference type of receiver units, namely, those capable of connecting to the Internet and those that are not (Abstract).

Allowance of claim 18 would result in the unwarranted time-use extension of the monopoly granted for the invention as defined in Patent claims 1, 2, 16 and 17.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Brown (US 5857190) shows event logging system and method for logging events in a network system.

Record et al. (US 5355484) shows dynamically established event monitors in event management services of a computer system.

Gerba et al. (US 5931908) shows visual object present within live programming as an actionable event for user selection of alternate programming wherein the actionable event is selected by human operator at a headend for distributed data and programming

Freeman et al. (US 5861881) shows interactive computer system for providing an interactive presentation with personalized video, audio and graphics responses for multiple viewers.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hai Tran whose telephone number is 703-308-7372. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on 703-305-4380. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HT:ht
3/18/04

HAITRAN
PATENT EXAMINER